

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on January 12, 2001 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Dennis Himmelberger (R)
Rep. Jim Keane (D)
Rep. Rick Laible (R)
Rep. Bob Lawson (R)
Rep. John Musgrove (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. Brett Tramelli (D)
Rep. James Whitaker (R)

Members Excused: Rep. Carol C. Juneau (D)

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Jane Nofsinger, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB154, HB172, HB138, HB177,
HB198, 1/12/2001
Executive Action: HB155, HB150, HB154, HB172,
HB138

HEARING ON HB154

Sponsor: REP. DAN MCGEE, HD21, Laurel

Proponents: Gary Gilmore, Engineer, Department of Transportation

Opponents: None

Opening by Sponsor:

REP. MCGEE said the bill was requested by the Department of Transportation and was a straight forward bill. He also presented an amendment to the bill which had been proposed by the Department of Transportation. **EXHIBIT (buh09a01)** He said the bill is about land survey, and the original bill was put in place before the advent of Global Positioning Systems (G.P.S.). Today surveyors routinely survey 50-60-100 miles out from the High Accuracy Resolution Network Stations. Previously they could not get more than three miles out with the optical instruments they used then. This bill takes out the "three mile distance" reference because it is no longer an issue.

Proponents Testimony:

Mr. Gilmore offered written testimony in support of the bill.
EXHIBIT (buh09a02)

Opponents: None

Questions from the Committee and Their Responses:

REP. BOOKOUT-REINICKE asked if the Forest Service used G.P.S. too. REP. MCGEE replied they did.

Closing by Sponsor:

REP. MCGEE thanked the committee for the hearing.

{Tape : 1; Side : A; Approx. Time Counter : 14.5}

HEARING ON HB 172

Sponsor: REP. LINDA HOLDEN, HD86, North Central Montana

Proponents: Jerome Morasko, Marias Medical Center
Tom Schneider, MPEA
Bob Olson, Montana Hospital Assn.
Allan Underdal, Toole County Commissioner

Opponents: None

Opening by Sponsor:

REP. HOLDEN said she was presenting the bill at the request of the Marias Medical Center and the Toole County Commissioners. She presented the Fiscal Note which reflected no net difference.

EXHIBIT (buh09a03) She said witnesses were present who had traveled a good distance to testify in favor of the bill.

Proponents' Testimony:

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Mr. Underdal said he was a member of the Marias Medical Center Board of Trustees. He said they need every economic advantage possible to keep their facility up and running. He said there are five county owned hospitals out of a total of 59 in Montana. This measure would also affect county-owned nursing homes.

EXHIBIT (buh09a04)

Mr. Morasko said his medical center cannot afford to pay high wages and high benefits. The bill would allow the hospital to offer various packages to employees. He presented written testimony. **EXHIBIT (buh09a05)** He said if this bill eliminating the state and federal mandated benefits was passed the lowest wage of \$6.19 for an aid could increase to \$9.06. He said the average wage for all employees, \$11.30, could increase to \$15.41. Employees could choose from a range of high pay, low benefits to low pay, high benefits. He said these changes would allow his hospital to compete with non-profit hospitals and eliminate disadvantages the county facility has in hiring.

Mr. Schneider said he represented the employees at the Marias facility. He said the bill came about after a discussion with the county hospital administrator in trying to deal with the wage and benefit package. **Mr. Schneider** supports and helped put together the bill.

Mr. Olson said he supported the bill as well. He presented written testimony. **EXHIBIT (buh09a06)** He said the bill gives the county the flexibility to address these issues but it doesn't mandate the change. He said this will have an impact in all small towns, not just Shelby.

Opponents: None

Questions from the Committee and Their Responses: None

Closing by Sponsor:

REP. HOLDEN said the bill gives the communities more choices and urged the committee to pass the bill.

{Tape : 1; Side : B; Approx. Time Counter : 0}

HEARING ON HB 138

Sponsor: REP. JEFF MANGAN, HD45, Great Falls

Proponents: Chris Olson, Department of Commerce
Riley Johnson, Checks Into Cash, Inc.
John Cadby, Montana Bankers Assn.

Opponents: None

Opening by Sponsor:

REP. JEFF, MANGAN, HD45, Great Falls, said this bill involved a regulation of the post-dated check industry. In the last session the Montana Deferred Deposit Loan Act was passed. He said the Department of Commerce oversees the deferred deposit loan act. The bill addressed the written authorization of electronic transfer of funds and allows for renewal fees for licensure, which was inadvertently not included in the last act. He also presented an amendment. **EXHIBIT (buh09a07)**

Proponents' Testimony:

Mr. Olsen said the bill had been worked out at the request of the Department of Commerce. The bill attempts to clarify language and bring in those individuals using electronic documents.
EXHIBIT (buh09a08)

Mr. Johnson said Montana's deferred deposit program is one of the best in the entire country. This bill would enhance it.

Mr. Cadby said it was a good law and should be passed.

Opponents: None

Questions from the Committee and Their Responses:

REP. LAIBLE asked if this regulated check cashing places. **Mr. Mangan** replied that some do have deferred deposit business but

they are really two different entities. He also said banks and savings and loans were regulated in a different way.

Closing by Sponsor:

REP. MANGAN said they try to work hand-in-hand with industry and he was glad to hear the comments from the industry today regarding this bill. He urged the committee to pass the bill.

HEARING ON HB177

{Tape : 1; Side : B; Approx. Time Counter : 18.5}

Sponsor: **REP. JIM KEANE, HD36, Butte**

Proponents: **Joe Quilici, MRI**
 Steven Walsh, MRI
 Terry Radcliffe, self
 William McLean, self
 Bill Miller, self
 Patti Keebler, MT AFL-CIO

Opponents: **None**

Opening by Sponsor:

REP. JIM KEANE, HD36, Butte, noted this was his first bill and was near and dear to him. He said first he has gotten the approval of the Department of Labor to submit the bill. To qualify the bill must name an employer, a time period of how many weeks the unemployment had gone on, must have an effective date, and a closing date. Due to circumstances in the electric industry, both workers and employees were caught off guard. He then said he would let the witnesses go forward with the bill.

Proponents' Testimony:

Mr. Quilici said he represented the approximately 350 unemployed workers at Montana Resources in Butte. He was a co-sponsor of a bill like this when the Butte mines went down. He said the reason there was no fiscal note is this would either be federal dollars or employee withholding dollars.

Mr. Walsh said the high price of electricity had caused the layoffs. This bill would provide a safety net for employees. He then presented some employees to tell their story.

Mr. Radcliffe said he did not want to leave the state to find work. He wanted to work in Butte. He thought the shutdown was temporary so he had not looked for work in the summer. Now his

unemployment was about to run out and he was here to ask the committee to do something. He noted his wife was working and so his family did have insurance benefits through her employer.

Mr. McLean said the layoff had been beyond the control of any of the workers and was due to the deregulation of the power companies. He said companies everywhere are shutting down because of power costs.

Mr. Miller said he had also been laid off from MRI. He had been looking for work and there was not any. He did not want to leave Butte, but there was no work.

Ms. Keebler expressed support of the bill. **EXHIBIT (buh09a09)**

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Opponents Testimony: None

Questions from the Committee and Their Responses:

REP. LAWSON asked **Mr. Keebler** if the bill could be amended to help other communities. **Mr. Keebler** said he would be happy to amend it and include others.

REP. GALLIK asked what other areas were being laid off due to power deregulation. **Mr. Keebler** mentioned Stone Container and CFAC and said there were a few others.

REP. GALVIN-HALCRO asked **REP. KEANE** if he considered this an economic development bill. **REP. KEANE** replied it was kind of because it allowed the company to retain its workforce should they re-open.

REP. MUSGROVE asked what happens in the meantime after the bill runs out. **REP. KEANE** said the bill must be signed into law and then the U. S. Department of Labor must sign it.

REP. BOOKOUT-REINICKE asked if Stone Container, which was in her district, might be added. **Mr. Braun** said yes if there were the four specific issues addressed as required.

{Tape : 2; Side : A; Approx. Time Counter : 22.4}

REP. BITNEY said it was not just a matter of deregulation. It was a matter of capacity and that no new generators had been built in 15 years. He said we would continue to see price spikes until we get capacity up.

Closing by Sponsor:

REP. KEANE closed and asked the committee to pass the bill.

HEARING ON HB198

{Tape : 2; Side : B; Approx. Time Counter : 0}

Sponsor: REP. DAVE GALLIK, HD52, Helena

Proponents: Christy Blazer, Montana Beer and Wine Wholesalers

Opponents: None

Opening by Sponsor:

REP. DAVE GALLIK, HD52, Helena, said the bill provided for a one-stop virtual Made in Montana mall website. He said the Department of Commerce and the University of Montana were already doing something similar. He will provide an amendment to the bill which will offset the Fiscal Note by charging a small fee.

Proponents:

Ms. Blazer said she supports the bill except for the offering of any alcoholic products. She does not support direct shipment of alcohol products and said this is regulated through a licensing system.

Opponents: None

Closing by Sponsor:

REP. GALLIK said he urged the committee to consider the bill.

{Tape : 2; Side : B; Approx. Time Counter : 13.9}

EXECUTIVE ACTION ON HB172

Motion/Vote: REP. LAWSON moved that HB172 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB138

Motion/Vote: REP. MATTHEWS moved HB138 DO PASS as amended. Motion carried unanimously.

EXECUTIVE ACTION ON HB155

Motion/Vote: REP. GALLIK moved that Amendment HB015501.agh DO PASS. Motion carried 12-7 with Bitney, Brown, Lawson, McKenney, Price, Steinbeisser, and Whitaker voting no.

Motion/Vote: REP. LAWSON moved HB155. Motion carried unanimously.

EXECUTIVE ACTION ON HB150

Motion/Vote: REP. MATTHEWS moved that HB015001.agh DO PASS. Motion failed 9-10 with Bitney, Brown, Himmelberger, Laible, Lawson, McKenney, Price, Rome, Steinbeisser, and Whitaker voting NO.

Motion/Vote: REP. BITNEY moved that HB150 DO PASS. Motion carried 11-8 with Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Matthews, Musgrove, and Tramelli voting no.

EXECUTIVE ACTION ON HB154

REP. BROWN moved DO PASS AS AMENDED HB174. Motion Carried Unanimously. 19-0.

ADJOURNMENT

Adjournment: 10:33 A.M.

REP. JOE MCKENNEY, Chairman

JANE NOFSINGER, Secretary

JM/JN

EXHIBIT (buh09aad)